REMARKS

Claims 1-5, 7 and 8 are pending in the present application. Claim 4 is herein amended. Claim 6 is herein cancelled. No new matter has been presented.

Claim Objections

Claim 6 was objected to because it is a duplicate of claim 5. Claim 6 has been cancelled. Withdrawal of the claim objection is requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 11-246728 (**JP '728**); and claims 5-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **JP '728** in view of **Kotani** (US 5,766,751).

Favorable reconsideration is requested.

Applicants respectfully submit that the ratio (A)/(B) as recited in claim 1 is critical and thus, claim 1 is non-obvious. When the prior art discloses an overlapping range, the rejection can be overcome by demonstrating the criticality of the claimed range. Criticality can be shown by evidence of unexpected results.

JP '728 discloses a broad range of ratios of inorganic laminar compound to EVOH on a volume basis of 10/1 to 1/100. (Paragraph 27.) It appears that this broad range may overlap the range of the mass ratio of (A)/(B) of (30/70) to (50/50). However, the narrower mass ratio range recited in claim 1 provides unexpectedly improved results over the prior art as demonstrated in the present specification.

As pointed out in Table 1 and pages 23-24 of the specification, when the content ratio of the inorganic layered compound to EVOH was higher than the range recited in claim 1, the coating material composition was not satisfactory in transparency and adhesion to the base material film (Comparative Example 1), and when the (A)/(B) ratio was lower than the range recited in claim 1, the coating material composition was not satisfactory in gas-barrier properties (Comparative Example 2). However, when the mass ratio of (A)/(B) was within the range as recited in claim 1, the gas-barrier properties, transparency and adhesion to the base material film were excellent. (*See, e.g.*, Example 1.)

It is additionally noted that in JP '728, the volume ratio of inorganic layered compound to EVOH is desirably 10/90 to 30/70. (Paragraph 27.) This means it is desirable to contain EVOH in an amount that is greater than the inorganic layered compound in JP '728. On the other hand, in the present invention as recited in claim 1, it is desirable to contain the inorganic layered compound in an amount that is grater than EVOH.

For at least the foregoing reasons, claims 1-5, 7 and 8 are patentable over the cited references. Accordingly, withdrawal of the rejection of claims 1-5, 7 and 8 is hereby solicited.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

/Andrew G. Melick/

Andrew G. Melick
Attorney for Applicants
Registration No. 56,868
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

AGM/adp